

Application Serial No. 10/563,992  
Attorney Docket No. 10191/4431  
Reply to Office Action of August 18, 2010

### REMARKS

Claims 20-39 are pending in the present application. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

*Applicants thank the Examiner for acknowledging the claim for foreign priority, as well as indicating that all certified copies of the priority documents have been received.*

#### **A. Rejection of Claims 20-39 under 35 U.S.C. § 102(e)**

Claims 20-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,199,767 (“Spero”). For at least the following reasons, the rejection of the presently pending claims should be withdrawn.

In order to reject a claim under 35 U.S.C. § 102(e), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter of the claims. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'l. 1990).

As an initial matter, Applicants contend that the Spero reference does not disclose the feature of a control device that controls the antiglare mechanism as a function of a signal derived from the image acquisition mechanism or the feature of a signal derived from the image acquisition mechanism including data of a head position or a face-covering of a vehicle occupant, as asserted by the Examiner.

In a rejection of claim 20, the Examiner asserts that Spero discloses the controlling of the antiglare mechanism as a function of a signal from the image acquisition mechanism (citing col.

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7, lines 40-60). However, this passage of Spero merely discusses an addressable pixilated screen (APS) which is used to filter and block incoming sunlight instead of a standard sun visor found in vehicles. (See Spero, Col. 7, lines 39-58). The APS does not receive a signal from an image acquisition mechanism (asserted by the Examiner as being taught by camera 25) to control the entire anti-glare system. The APS is simply used as a screen to filter incoming light. Therefore, Applicants contend this feature is not disclosed or suggested by Spero.

Applicants also contend that Spero does not disclose or suggest the feature of the signal derived from the image acquisition mechanism including data of a head position and a face-covering of a vehicle occupant. Spero discusses an embodiment that uses infrared LEDs to reflect light off of the driver to obtain information about the eye location, eye gaze, eye fixation, or corneal spatial reflection characteristics. (See Spero, Col. 8, lines 59-64). Spero does not disclose or suggest using the LEDs to determine the head position and a face-covering of an occupant. Spero does not discuss the use of other means to determine the head position or face-covering of an occupant, and does not disclose or suggest a device which may determine if an occupant is already using sunglasses or has some other face-covering.

For at least the foregoing reasons, claim 20 and its dependant claims 21-32 are allowable over Spero, and the anticipation rejection should be withdrawn.

Claim 33 is substantially analogous to claim 20 and is allowable for the same reasons asserted for claim 20. Additionally, Spero does not disclose or suggest the feature of the image acquisition sensor being sensitive only to a partial range of the spectrum that the antiglare mechanism allows penetration into the vehicle for. For support of the rejection of this limitation, the Examiner again simply cites col. 8, lines 50-60 of the Spero reference (previously cited by the Examiner in connection with the rejection of claim 20 for the disclosure of the image acquisition mechanism including data of a face-covering and a head position of a vehicle occupant). As discussed above, this passage of the Spero reference discusses using LEDs to reflect light off of a driver to obtain information about eye location or gaze, and does not contain any disclosure on limiting the spectrum of light into the vehicle, the same partial spectrum upon which the image acquisition sensor may pick up, as recited in claim 33. Therefore, claim 33 and its dependent claims 34-39 are allowable for this additional reason.

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**CONCLUSION**

In view of the above, it is respectfully submitted that all of presently pending claims are allowable. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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